

IC 20-29-6

Chapter 6. Collective Bargaining

IC 20-29-6-1

Duty to bargain collectively and discuss

Sec. 1. School employers and school employees shall:

- (1) have the obligation and the right to bargain collectively the items set forth in section 4 of this chapter;
- (2) have the right and obligation to discuss any item set forth in section 7 of this chapter; and
- (3) enter into a contract embodying any of the matters on which they have bargained collectively.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-2

Contracts

Sec. 2. A contract entered into under this chapter may not include provisions that conflict with:

- (1) any right or benefit established by federal or state law;
- (2) school employee rights set forth in IC 20-29-4-1 and IC 20-29-4-2; or
- (3) school employer rights set forth in IC 20-29-4-3.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-3

Unlawful deficit financing

Sec. 3. (a) It is unlawful for a school employer to enter into any agreement that would place the employer in a position of deficit financing.

(b) A contract that provides for deficit financing is void to that extent, and an individual teacher's contract executed under the contract is void to that extent.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-4

Subjects of bargaining

Sec. 4. A school employer shall bargain collectively with the exclusive representative on the following:

- (1) Salary.
- (2) Wages.
- (3) Hours.
- (4) Salary and wage related fringe benefits, including accident, sickness, health, dental, or other benefits under IC 20-26-5-4 that were subjects of bargaining on July 1, 2001.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-5

Arbitration provisions

Sec. 5. A contract entered into under this chapter may contain a grievance procedure culminating in final and binding arbitration of

unresolved grievances. However, the binding arbitration has no power to amend, add to, subtract from, or supplement provisions of the contract.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-6

Limitations on obligation to bargain collectively

Sec. 6. The obligation to bargain collectively does not include the final approval of a contract concerning any items. Agreements reached through collective bargaining are binding as a contract only if ratified by the governing body of the school corporation and the exclusive representative. The obligation to bargain collectively does not require the school employer or the exclusive representative to agree to a proposal of the other or to make a concession to the other.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-7

Subjects of discussion

Sec. 7. (a) A school employer shall discuss with the exclusive representative of certificated employees the items listed in subsection (b).

(b) A school employer may but is not required to bargain collectively, negotiate, or enter into a written contract concerning, be subject to, or enter into impasse procedures on the following matters:

- (1) Working conditions, other than those provided in section 4 of this chapter.
- (2) Curriculum development and revision.
- (3) Textbook selection.
- (4) Teaching methods.
- (5) Hiring, promotion, demotion, transfer, assignment, and retention of certificated employees, and changes to any of the requirements set forth in IC 20-28-6 through IC 20-28-8.
- (6) Student discipline.
- (7) Expulsion or supervision of students.
- (8) Pupil/teacher ratio.
- (9) Class size or budget appropriations.

(c) Items included in the 1972-1973 agreements between an employer school corporation and the school employee organization continue to be bargainable.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-8

Contract, agreement, or concession not required

Sec. 8. The obligation to discuss does not require either party to enter into a contract, agree to a proposal, or make a concession. A failure to reach an agreement on a matter of discussion does not require the use of any part of the impasse procedure under IC 20-29-8.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-9**Discussions outside obligation to bargain collectively**

Sec. 9. The obligation to bargain collectively or discuss a matter does not prevent:

- (1) a school employee from petitioning the school employer, governing body, or superintendent for a redress of the employee's grievances, either individually or through the exclusive representative; or
- (2) the school employer or superintendent from conferring with a citizen, taxpayer, student, school employee, or other person considering the operation of the schools and the school corporation.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-10**Recommendations by superintendent**

Sec. 10. Nothing shall prevent a superintendent or the superintendent's designee from making recommendations to the school employer.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-11**Chapter does not limit rights of school employer and exclusive representative**

Sec. 11. This chapter may not be construed to limit the rights of the school employer and the exclusive representative to mutually agree to the matters authorized under IC 20-28-7-13.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-12**Commencement of collective bargaining**

Sec. 12. Collective bargaining between a school corporation and the exclusive representative shall begin not later than one hundred eighty (180) days before the submission date of a budget by a school employer.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-13**Appointment of mediator**

Sec. 13. At any time after the one hundred eighty (180) days described in section 12 of this chapter has begun, the board shall appoint a mediator if either party declares an impasse either:

- (1) in the scope of the items that are to be bargained collectively; or
- (2) on the substance of any item to be bargained collectively.

If after five (5) days the mediator is unsuccessful in finding a solution to the problems or in causing the parties to reach agreement, either party may request the board to initiate factfinding on the items that the parties are obligated to bargain collectively.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-14**Initiation of mediation**

Sec. 14. If an agreement has not been reached on the items to be bargained collectively seventy-five (75) days before the submission date of a budget by a school employer, the board shall initiate mediation.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-15**Initiation of factfinding**

Sec. 15. If an agreement has not been reached on the items to be bargained collectively forty-five (45) days before the submission date of a budget by a school employer, the board shall initiate factfinding.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-16**Status quo period**

Sec. 16. (a) If an agreement has not been reached on the items to be bargained collectively fourteen (14) days before the submission date of a budget by a school employer, the parties shall continue the status quo, and the school employer may issue tentative individual contracts and prepare its budget on that basis. During this status quo period, in order to allow the successful resolution of the dispute, the school employer may not unilaterally change the terms or conditions of employment that are issues in dispute.

(b) This section may not be construed as relieving the school employer or the school employee organization from the duty to bargain collectively until a mutual agreement has been reached and a contract entered as called for in this chapter.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-17**Request for mediation or factfinding**

Sec. 17. At any time after the one hundred eighty (180) days described in section 12 of this chapter has begun:

(1) either party may request mediation or factfinding on items;
or

(2) the parties may act together to request mediation or factfinding on any items;

that must be bargained collectively under section 4 of this chapter.

As added by P.L.1-2005, SEC.13.